CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
STEPHEN M. HAASE, AICP, DIRECTOR

INITIAL STUDY

PROJECT FILE NO.: GP03-03-15 and PDC03-103

PROJECT DESCRIPTION: General Plan amendment to change the San Jose 2020 General Plan Land Use/Transportation Diagram from Light Industrial to Medium Density Residential (8-16 DU/AC) and a Planned Development Rezoning from LI Light Industrial to A(PD) Planned Development Zoning District to allow 77 single-family detached residential units on a 7.7 gross acre site.

PROJECT LOCATION: West side of Highway 101 between Kelly Court and Sunny Court.

GENERAL PLAN DESIGNATION: Light Industrial

SURROUNDING LAND USES:
North: Residential
East: Highway 101
South: Mobile home park
West: Residential

PROJECT APPLICANT'S NAME AND ADDRESS: Jeff McMullen, KB Home
6700 Koll Center Parkway, Suite 200
Pleasanton, CA 94566

DETERMINATION
On the basis of this initial study:

☐	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
☐	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
☐	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required.

Date

Signature
Name of Preparer: Lesley Xavier
Phone No.: (408) 277-4576

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

I. AESTHETICS - Would the project:

a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☒	☐	☐	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	☒	1,2
e) Increase the amount of shade in public and private open space on adjacent sites?	☐	☐	☐	☒	1,2

FINDINGS: The proposed project would alter the existing visual character of the site and its surroundings through various means including the demolition of the factory buildings and the short-term visual change during construction of the proposed 77 single-family detached residential units. Architectural and site design, including colors, materials, and exterior lighting, will undergo design review by Planning staff to ensure that there will not be a significant impact with regards to aesthetics for the long-term of the project.

MITIGATION MEASURES: Through the design review process, implementing the following General Plan policies would mitigate the impact described above: (The noted General Plan Policies will be implemented through staff review of the proposal associated with the Planning Divisions' development review process.)

- Urban Conservation Policy #2: The City should encourage new development that enhances the desirable qualities of the community and existing neighborhoods.
- Community Identity Policy #1: The City should encourage the development of a compact, cohesive pattern of urbanization with definite, identifiable boundaries that readily create a sense of community identity.
- Urban Design Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.
- Urban Design Policy #2: Private development should include adequate landscaped areas. Landscaped areas should utilize water efficient plant materials and irrigation systems. Energy conservation techniques such as vegetative cooling and wind shielding should also be utilized. All landscaped areas should include provision for ongoing landscape maintenance.
- Urban Design Policy #3: Residential subdivisions should be designed to provide for internal circulation within neighborhoods, prevent through vehicular traffic from traversing neighborhoods, and encourage pedestrian and bicycle connections between neighborhoods and to adjacent commercial uses and transit facilities.
- Urban Design Policy #16: When development is proposed adjacent to existing or planned parks or park chains, that development should include public park-frontage roads, wherever feasible, in order to maximize access to park lands, to provide a reasonable separation between urban land uses and park lands without the use of "back-up" design, and to maximize exposure of park lands for scenic and security purposes.
- Urban Design Policy #32: Amenities should be added to create a pleasant walking environment. These measures include ample sidewalk widths, crosswalks, street furniture, pedestrian-activated crossing lights, and street trees.

II. AGRICULTURE RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,3,4

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒	1,3,4

FINDINGS: The project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

MITIGATION MEASURES: None Required.

III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1,14
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	1,14

FINDINGS: The proposed land use change to Medium Density Residential (8-16 DU/AC) is on an infill site and will not have an impact on air quality. The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. As this project will generate approximately 802 vehicle trips per day, no air quality study was prepared for this project. In addition, the threshold of significance, projects that are less than, or equal to, 510 multi-family dwelling units are not considered major air pollutant contributors. The potential units under the proposed land use designation are less than the established threshold of significance; therefore the change in land use will not have an impact on air quality.

Temporary Air Quality impacts may result from demolition of the existing structures and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

MITIGATION MEASURES:

- Air Quality Policy #1: The City should take into consideration the cumulative air quality impacts from proposed developments and should establish and enforce appropriate land uses and regulations to reduce air pollution consistent with the region's Clean Air Plan and State law.

The following construction practices shall be implemented during all phases of construction for the proposed project:

- Water all active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

- Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	1,10,27
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	1,6,10,27
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1,6,27
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	1,10,27
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐	1,11,27
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1,2,27

FINDINGS: The subject site is developed with buildings, paved areas, and perimeter landscaping. The landscaping consists of 38 trees, four of which are ordinance-sized trees (greater than 56 inches in circumference). A tree survey, by HMH Engineers was prepared and is included in the appendices.

The City of San José has established regulations for removal of landscape trees. The proposed project will obtain a permit for the removal of ordinance-sized trees and provide for the replacement of removed trees in conformance with the City of San José Tree Ordinance.

MITIGATION MEASURES:

Trees. All non-orchard trees that are to be removed shall be replaced at the following ratios:

- Each tree less than 12" in diameter to be removed = one 15 gallon tree
- Each tree 12" to 18" diameter to be removed = two 24" box trees
- Trees greater that 18" diameter shall not be removed unless a Permit has been approved by the Director of Planning, Building, and Code Enforcement for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:

- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.

- A donation of $300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Environmental Principal Planner prior to issuance of a development permit.

IV. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	☐	☐	☐	☒	1,7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	☐	☐	☒	1,8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	1,8

FINDINGS: As required by County ordinance, this project has incorporated the following guidelines. - Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MITIGATION MEASURES: None required.

V. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☒	☐	☒	1,5,24
2) Strong seismic ground shaking?	☐	☐	☒	☐	1,5,24
3) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐	1,5,24
4) Landslides?	☐	☐	☐	☒	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	1,5,24

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1,5,24
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒	1,5,24
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1,5,24

FINDINGS: The site is currently graded flat with an asphalt parking lot serving the factory buildings on the site. Changing the land use on the site to Medium Density Residential (8-16 DU/AC) or building at the current designation of Light Industrial will not impact the geology and soils of the site.

The project site is located within the seismically active San Francisco region, which requires that the building be designed and built in conformance with the requirements of the 1997 Uniform Building Code for Seismic Zone 4. As the project includes these required measures, the potential for seismic impacts will be less than significant. The closest known fault to the site is the Crosley Fault Line, located 5.1 miles east of the subject site.

MITIGATION MEASURES: Implementation of the following General Plan policies would mitigate any impact described above:

- Hazards Policy #1: Development should only be permitted in those areas where potential to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.
- Soils and Geologic Conditions Policy #1: The City should require soils and geologic review of development proposals to asses such hazards as potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion, and sedimentation in order to determine if these hazards can be adequately mitigated.
- Earthquakes Policy #1: The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.

VI. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	1,25
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	1,25
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1,25
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1,12,25
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2,25
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,25

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2,25
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1,25

FINDINGS: A phase one environmental site assessment report titled, "Phase I Environmental Site Assessment Sorrento Cheese Company", by Lowney Associates was prepared and is included in the appendices. The report concluded that the planned use appears compatible with the known on-site environmental conditions, with mitigation.

MITIGATION MEASURES: Implementing the following would mitigate the impact described above:

- A limited soil sampling/verification study shall be conducted in the former hazardous waste drum storage area (this could be conducted at the applicant's most convenient period during the site preparation) with the results submitted to the Environmental Compliance Manager at the Environmental Service Department for their review and records.

- Surveys should be completed for asbestos-containing building materials and lead-based paint in structures at the site prior to demolition of on-site buildings. If these materials are present, they should be properly disposed of by licensed contractors.

- If construction activities include excavation and off-site disposal of soil in the area beneath the southeast corner of the Cheese Plant building, beneath the former USTs No.1, 2 and 4 and ASTs C & 0, then that soil should be segregated and characterized through sampling and testing to assess proper disposal options. If construction activities include dewatering activities in the vicinity of the former UST 1 and 2, then water should be pumped to ASTs and tested prior to discharging.

- The four 55-gallon drums and stockpiled soil should be removed from the site and properly disposed of under manifest control.

- The oil/diesel equipment in the vicinity of the boilers rooms should be removed from the site and properly disposed of and the stained concrete in the boiler and adjoining rooms in both buildings should be steam cleaned and waste water generated during steam cleaning operations should be properly disposed of.

- The owner of the transformers observed at the site should be identified and the transformers, if not needed for future development, should be properly removed.

- The hydraulic lifts at the loading docks should be removed following local regulations.

- The pile of piping located adjacent to the drum storage racks should be characterized for suspect asbestos material and disposed of accordingly.

- Verification that all San Jose Fire Department and Santa Clara Valley Fuel Leak closure requirements have been satisfied by submittal of the closure documents from those agencies to the Environmental Compliance Manager at the Environmental Service Department prior to the issuance of a Planned Development Permit.

- Proper closure of the water supply well under permit from the Santa Clara Valley Water District and verification by submittal of a closure document from the District to the Environmental Compliance Manager at the Environmental Service Department prior to the issuance of a Planned Development Permit.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
VII. HYDROLOGY AND WATER QUALITY - Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	☐	☐	☐	☒	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	☐	☐	☐	☒	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☒	☐	☐	1,17
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1

FINDINGS: Future development of the site will be required to conform to the requirements of the National Pollutant Discharge Elimination System (NPDES) to reduce impacts on storm water quality. A Storm Water Pollution Prevention Plan (SWPPP) may be required at the time of future development, in compliance with State regulations, to control the discharge of storm water pollutants.

Drainage from the developed areas of the site would be redirected to the City's existing storm drain system. The redirection of this storm water will not result in the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-or off-site. Through conformance with Department of Public Works criteria, grading will not result in an increase in pollutant discharges to receiving waters such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash. Similarly, BMPs incorporated into the construction will prevent an alteration of receiving water quality during or following construction including clarity, temperature, and level of pollutants

The proposed project is approximately 7.7 acres in size. The site is currently covered with approximately 322,300 sq. ft. of impervious surface. The proposed project will create 183,000 sq. ft. of impervious surface for a total 139,300 sq. ft. reduction of impervious surface. The project will incorporate BMPs into the project and whenever feasible, pervious pavers will be utilized rather than impervious concrete. These mitigation measures will decrease and/or delay the overall runoff and result in a less than significant increase storm water runoff.

MITIGATION MEASURES: Implementing the following would mitigate the impact described above:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

Storm Water Management. The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of storm water pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, Room 308, 801 North First Street, San José, California 95110-1795. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 277-5161.

Storm Water Management. This project results in a land disturbance of more than one acre. Prior to the commencement of any clearing, grading, or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:

- The applicant shall develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm water pollutants including sediments associated with construction activities.

- The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB.)

Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control may include BMP's as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities.

- Prior to the issuance of a grading permit, the applicant shall submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works, Room 308, 801 North First Street, San Jose, California 95110-1795. To obtain an NOI application and further information about the Erosion Control Plan and the NPDES permit requirements, please call the Department of Public Works at (408) 277-5161 or the SWRCB at (916) 657-1146.

- The applicant shall maintain a copy of the most current SWPPP on site, and shall provide a copy to any City representative or inspector on demand.

- The project will comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific Best Management Practices will be implemented to prevent storm water pollution and minimize potential sedimentation during construction.

  - □ restricting grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season;
  - □ using Best Management Practices, including the use of fiber rolls along the edge of the riparian corridor or project boundary nearest the corridor, to retain sediment on the project site;
  - □ use of stabilized construction entrances and/or wash racks;
  - □ damp street sweeping;
  - □ providing temporary cover of disturbed surfaces to help control erosion during construction;
  - □ provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

VIII. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	☐	☐	☐	☒	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	1,2

FINDINGS: The proposed project will not physically divide an established community. The proposed Planned Development Rezoning does not conform to the current General Plan designation of Light Industrial for the site, however, should the City Council adopt the proposed General Plan Amendment that is being processed concurrently with this proposal, the proposed development would be in conformance with the new General Plan density range. The project does not conflict with any other applicable plans or policies.

The proposed site design complies with setbacks required by the City of San José's Residential Design Guidelines, which seek to avoid possible impacts to surrounding land uses.

MITIGATION MEASURES: Implementation of the following General Plan policies would mitigate any impact described above: (The noted General Plan Policies will be implemented through staff review of the proposal associated with the Planning Divisions' development review process.)

- Neighborhood Identity Policy #3: Public and private development should be designed to improve the character of existing neighborhoods. Factors that cause instability or create urban barriers should be discouraged or removed.
- Neighborhood Identity Policy #4: Neighborhoods should include places for interaction among residents such as parks, community centers, schools, commercial areas, churches, and other gathering points.
- Residential Land Use Policy #1: Residential development at urban densities (one dwelling unit per acre or greater) should be located only where adequate services and facilities can be feasibly provided.
- Residential Land Use Policy #5: Residential development should be allowed in areas with identified hazards to human habitation only if these hazards are adequately mitigated.
- Residential Land Use Policy #11: Residential developments should be designed to include adequate open spaces in either private yards or common areas to partially provide for residents' open space and recreation needs.
- Residential Land Use Policy #20: Roads, buildings and landscaping for new residential projects should be designed and oriented to maximize energy conservation benefits for space heating and cooling to the extent feasible.
- Residential Land Use Policy #24: New residential development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development, the adjoining neighborhood, transit access points, and nearby commercial areas.

IX. MINERAL RESOURCES - Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1,2,23

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

FINDINGS: The project site is within a developed urban area. The project would not result in a significant impact from the loss of availability of a known mineral resource.

MITIGATION MEASURES: None required.

X. NOISE - Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	1,2,13, 18,26
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1

FINDINGS: A noise report titled, " Sorrento Cheese Factory Site Environmental Noise Assessment, by Illingworth & Rodkin, Inc., was prepared and is included in the appendices. The report concluded that there are high levels of noise at the site. The exterior noise level at the site is between 75 and 79 dBA. Per the San Jose 2020 General Plan, the City's acceptable exterior noise level is 55 dBA and the acceptable interior noise level is 45 dBA. With standard construction techniques the noise levels inside the projects units would be reduced by between 12 and 17 dBA. In addition, this project will include mechanical ventilation, which will allow the windows to remain closed and will reduce the noise levels by 25 dBA.

In addition, noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. To limit the construction noise impacts on nearby properties, various mitigation measures have been incorporated into the proposal.

MITIGATION MEASURES: Implementing the following would mitigate the impact described above:

- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- All units shall have forced air ventilation systems to allow the windows to remain closed.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

- A wall of similar materials and with a height equal to the existing soundwall should be constructed to connect the currently discontinuous walls, thereby forming a continuous sound barrier, without cracks or gaps in the face or base across the Highway 101 frontage of the site.

- Windows shall be of thermal insulating glass.

- Residential units closest to Highway 101, which face or are perpendicular to the highway shall have sound rated windows and exterior walls, which achieve a laboratory Sound Transmission class (STC) rating of 45 for the first floor and 50 for the second floor..

- Prior to issuance of occupancy permits, building plans for all units will be checked by a qualified acoustical consultant to ensure that noise levels are attenuated to achieve the 45 dBA Ldn limits.

Additionally, implementing the following General Plan policies would mitigate the impact described above:

- Noise Policy #1: The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.

XI. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

FINDINGS: The proposed project would result in an additional 77 residential units in the area. This increase in density will not induce substantial growth because the site is an infill location within an urbanized area.

MITIGATION MEASURES: None required.

XII. PUBLIC SERVICES - Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	☐	☐	☐	☒	1,2
Police Protection?	☐	☐	☐	☒	1,2
Schools?	☐	☐	☐	☒	1,2
Parks?	☐	☐	☐	☒	1,2
Other Public Facilities?	☐	☐	☐	☒	1,2

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

FINDINGS: The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

MITIGATION MEASURES: None required.

XIII. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒	1,2

FINDINGS: The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Chapter 19.38) and Park Impact Ordinance (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.

The proposed project would increase the number of residents on the site and therefore, would add to the residential population using nearby recreational facilities. However, the proposed project includes recreational space for new the residents with the creation of a new public park as a part of the project site. Therefore, the project is not expected to increase the use of existing parks such that substantial deterioration would occur or be accelerated.

MITIGATION MEASURES: None required.

XIV. TRANSPORTATION / TRAFFIC - Would the project:

a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	☐	☐	☒	☐	1,2,19,28
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	1,2,19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	1,19
e) Result in inadequate emergency access?	☐	☐	☐	☒	1,20
f) Result in inadequate parking capacity?	☐	☐	☐	☒	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒	1,2,18

FINDINGS: The City of San Jose Department of Public Works analyzed the proposed project and determined that the project would be in conformance with the city of San Jose Transportation Level of Service Policy (Council Policy 5-3) and would not have a traffic impact.

MITIGATION MEASURES: None required.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

XV. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	1,21

FINDINGS: Adequate utilities and service systems are available to serve the site because it is located within an already urbanized area.

MITIGATION MEASURES: None required.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.	☐	☐	☐	☒	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	1

FINDINGS: As discussed in the previous sections, the proposed project could potentially have significant environmental effects with respect to aesthetics, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, and noise. With the above noted mitigation, however, the impacts from the proposed project would be reduced to a less than significant level.

MITIGATION MEASURES: None required.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. PDC03-103
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. Phase I Environmental Site Assessment Sorrento Cheese Company, by Lowney Associates, May 2004
26. Environmental Noise Assessment Sorrento Cheese Factory Site, by Illingworth & Rodkin, Inc., April 2004
27. Tree Survey, by HMH Engineers, September 2004
28. Transportation Impact Analysis